

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

ROSETTA STONE LTD.

Plaintiff,

v.

GOOGLE INC.

Defendant.

CIVIL ACTION NO. 1:09cv736
(GBL / TCB)

**GOOGLE INC.'S MOTION FOR A PROTECTIVE ORDER TO PRECLUDE
DEPOSITIONS OF ITS THREE HIGHEST-RANKING EXECUTIVES**

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, Defendant Google Inc. (“Google”) respectfully moves this Court to grant a protective order preventing the depositions of Google’s three highest-ranking executives: Co-founders and Co-Presidents Larry Page and Sergey Brin, and Chairman of the Board and Chief Executive Officer Eric Schmidt.

Messrs. Page, Brin and Schmidt do not have any unique personal knowledge about the disputed issues in this trademark action. Plaintiff Rosetta Stone Ltd.’s (“Rosetta Stone”) only stated reason for taking these depositions is to learn more about Google’s trademark policies and the discussions and reasoning behind their adoption, which can be more easily obtained through other, less burdensome means. Google has agreed to make available for deposition other high-ranking employees who can testify about Google’s trademark policies and the reasons for them. Rosetta Stone’s desire to depose Google’s three highest-ranking executives, then, is burdensome and harassing, and a protective order should be granted precluding those depositions.

This motion is based upon the accompanying memorandum of points and authorities and declaration, all judicially noticeable facts, as well as the pleadings, records and files in this action.

The undersigned counsel hereby states that the parties have met and conferred in a good faith effort to narrow the area of disagreement.

Dated: February 12, 2010

Respectfully Submitted,

GOOGLE INC.
By counsel

/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of February, 2010, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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**[PROPOSED] ORDER GRANTING DEFENDANT GOOGLE INC.'S MOTION FOR A
PROTECTIVE ORDER**

[PROPOSED] ORDER

Upon consideration of the briefing submitted by the parties in this matter, Google Inc.'s Motion for a Protective Order is hereby GRANTED. The depositions of Larry Page, Sergey Brin, and Eric Schmidt shall not be conducted unless Rosetta Stone Ltd. later demonstrates to this Court that it could not obtain relevant information by any other means.

DATED: _____, 2010

By _____

Hon. Theresa Carroll Buchanan
UNITED STATES MAGISTRATE JUDGE